

Planning raises concerns

by Randy Bright <http://www.tulsabeacon.com/?p=835#more-835>

If you've been reading my column the last few weeks, you may be wondering why I am so concerned about what kind of zoning codes that we end up with in Tulsa. I agree that zoning codes are about as exciting as watching paint dry, but when it does get exciting is when it affects you personally.

Usually when it gets your attention is when it is going to cost you something, such as the value of your property or the safety of your children. The controversy of the homeless shelter that is planned for the Admiral Boulevard and Yale Avenue area is a recent example of what happens when people feel that changes in their neighborhood will be detrimental.

While we don't want to have a system where anyone can scuttle any project for any reason, we do need predictable rules that are as fair as possible to everyone, so that individuals and developers can build their projects without undue interference. We also need to protect those people who have invested in property in the City of Tulsa and the surrounding areas from losing their investments to a new zoning code that could change the rules.

When I first moved to Tulsa in 1982, one of my co-workers was telling me about how just a few years ago Woodland Hills Mall was just a cow pasture, and how someone had purchased the land many years before with the expectation that Tulsa would continue its growth pattern. They knew that eventually the land would be worth much more than its original purchase price.

I don't know how accurate the story was, but I think it serves well as an example of other investors in Tulsa who have purchased property with certain long-term expectations. However, a zoning code change, especially one to a form-based code, could cause them to lose their profits.

All of the form-based codes that are used today have in common the concept of increasing the density of a city by fixing its boundaries in such a way as to force the density to increase, which in the long run alters land values. This is generally done by allowing development within the city limits, but not in the areas surrounding the city limits.

Imagine the city as a doughnut - development would be allowed in the hole of the doughnut and also outside of the doughnut, but no development would be allowed in the part of the doughnut you eat.

Under that scenario, investors whose properties are in the hole (or in the city limits) will see their property values increase, but the owners of property in the doughnut itself will see their property values decrease. It's simple supply-and-demand that will affect their values. Had the owners of the Woodland Hills land been in the doughnut, and not the doughnut hole, their land would have become worthless because no one would have wanted a piece of land where no construction would be allowed.

One of the appeals of New Urbanism is that it increases property values; in fact, everyone's property values within the doughnut hole will begin to climb soon after the no-build zones are imposed, because there would be an automatic (and artificially imposed) land shortage.

But, it's a two-edged sword. Someone who sells their property at a higher profit than they would have expected under the old zoning system will be quite happy about it until they go to buy a new property, whose value has also increased. The alternative is to move outside the doughnut, beyond the reach of the new zoning codes, where property values are not being artificially inflated.

Ironically, that is exactly what has happened in cities that have adopted a zoning code that seeks to force development within strict boundaries. Ironic, because it actually inspires the urban sprawl that New Urbanists detest so much, and has led to declining city populations.

In addition, the added regulations that are characteristic of a form-based or New Urbanistic code can become very troublesome and costly. In fact, some allow developers to by-pass the public approval process if they conform to certain rules, allowing them to build projects over its neighbor's objections. Under that scenario, the residents of Admiral and Yale might have had no recourse at all.

One of the key objectives of the comprehensive plan is to stop the decline of Tulsa's population and create the kind of place where people would like to live again, especially in the downtown area. But Tulsa needs to be very careful about adopting a form-based code to accomplish those objectives; otherwise, not only will Tulsa continue to lose population to its suburbs, it may also see an increase in development on the opposite side of the Tulsa County line.

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